



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,448	09/08/2003	Patricia L. Shenosky	SHENP101US	1469

29393 7590 04/30/2007  
ESCHWEILER & ASSOCIATES, LLC  
NATIONAL CITY BANK BUILDING  
629 EUCLID AVE., SUITE 1000  
CLEVELAND, OH 44114

EXAMINER
----------

GROSSO, HARRY A

ART UNIT	PAPER NUMBER
----------	--------------

3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

H

## Office Action Summary

Application No.

10/657,448

Applicant(s)

SHENOSKY ET AL.

Examiner

Harry A. Grosso

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11, 13-16 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 13-16 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. The declaration filed in this application references 37 CFR 1.56(a).

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11, 13-16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyman (4,988,216) in view of Lewis (2,068,058) and White (2,023,457).

3. Regarding claim 11, Lyman discloses a sack capable of being used as a liner in a container with an open end, a first fastening means, the draw cord (36) that draws together first and second opposing portions of the body as seen in Figures 1-3 and a

Art Unit: 3781

second fastening means (32, 34) that draws together third and fourth opposing portions of the body. Lyman does not teach that the second fastening means comprises buttons or that the body has a first and second pattern on opposite sides of the body. Lewis discloses a sack with first and second patterns on opposite sides of the sack (page 1, right column, lines 36-45) and a securing means that comprises two buttons, one on the inside surface of the sack and one on the outside surface of the sack (22, Figures 1, 2 and 7, page 2, left column, lines 12-22) and at least one button hole (19) to allow the sack to be reversible. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use a fastening means consisting of buttons on the inside and outside of the sack and first and second patterns on opposite sides of the sack body as disclosed by Lewis in the sack disclosed by Lyman to make the sack reversible. Lyman and Lewis do not teach that the buttons correspond to the patterns on the body of the sack. White discloses the use of buttons that correspond to the pattern of the sack (bag) they are used with to improve the appearance of the sack (page 1, left column, lines 1-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use buttons corresponding to the patterns of the sack as disclosed by White in the sack of Lyman as modified by Lewis to improve the appearance of the sack.

4. Regarding claim 13, the sack of Lyman as modified by Lewis and White uses buttons and lengths of material as a fastening means.

Art Unit: 3781

5. Regarding claim 14, Lyman discloses the first fastening means comprises lengths of material opposite each other across the open end of the sack as seen in Figure 33 where the opposite ends of cord (36) are across the open end of the sack.
6. Regarding claim 15, Lyman discloses the first fastening means incorporates a grommet as seen in Figure 4 at the lead-line for (26).
7. Regarding claim 16, Lyman as modified by Lewis and White discloses the at least one button hole can be the same button hole for both buttons.
8. Regarding claim 21, Lyman discloses the first and second portions are substantially orthogonal to the third and fourth portions.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 11, 13-16 and 21 have been considered but are moot in view of the new ground(s) of rejection.

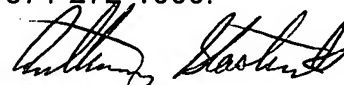
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3781

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anthony Stashick  
Supervisory Patent Examiner  
Art Unit 3781

hag

